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SUBJECT: MACEDONIA: THE OHRID FRAMEWORK AGREEMENT

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SENSITIVE BUT UNCLASSIFIED - PLEASE PROTECT ACCORDINGLY

11. (U) Summary: Though eight years old, the Ohrid Framework Agreement (OFA) remains the key instrument for maintaining interethnic harmony in Macedonia. Even though it has been imperfectly implemented, it is still an effective tool to reduce the risk of another civil conflict. This cable contains background of the events leading up to the signing of the OFA, a summary of the Agreement's contents, and an overview of the Agreement's implementation to date. (End Summary)

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The 2001 Conflict and Creation of the Framework Agreement  
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12. (U) In the final months of 2000, tensions between the ethnic-Albanian community and ethnic Macedonian community began to rise in the primarily e-Albanian villages along Macedonia's north-western border. The e-Albanians (comprising approximately 25% of Macedonia's population) were angered by an environment of discrimination and a perceived general deterioration of their rights in Macedonia since the country's independence in 1991. They specifically cited a downgraded status under Macedonia's post-independence constitution, which declared Macedonia to be a "national state of the (ethnic-) Macedonian people. Conversely, Macedonia's previous, Yugoslavia-era constitution defined the e-Macedonians, e-Albanians, and e-Turks as three equal nationalities comprising the Socialist Republic of Macedonia.

In January 2001 the situation rapidly deteriorated when the newly-formed e-Albanian National Liberation Army (NLA), (led by current government coalition party leader Ali Ahmeti) attacked a police station in the village of Tearce, killing one police officer. The fallout from that event led to a clash between the NLA and Macedonian security forces in February in the border town of Tanusevci that resulted in the deaths of three police and one e-Albanian. The clash in Tanusevci launched the country into a wider armed conflict that lasted into the summer of 2001 and resulted in an estimated 100 to 200 deaths and more than 170,000 displaced people.

13. (U) In June 2001, the two sides agreed to a cease fire and began peace negotiations. The e-Albanian and e-Macedonian sides were each represented by the leaders of their two largest political parties at the time: DPA and PDP on the e-Albanian side, and VMRO-DPMNE and SDSM on the e-Macedonian side. The NLA did not participate in the talks directly. The negotiations took place in the city of Ohrid, situated on

the shore of Lake Ohrid in southwest Macedonia, and focused on establishing a legal framework and implementation plan for improving ethnic equity in Macedonia. Representatives from the United States and the European Union mediated the negotiations. The OFA is the result of those negotiations and was signed on August 13, 2001 by: then-president of Macedonia Boris Trajkovski (VMRO), then-Prime Minister Ljubco Georgievski (VMRO), then SDSM leader and future president of Macedonia Branko Crvenkovski, DPA leader Arben Xhaferi, PDP leader Imer Imeri, U.S. mediator James W. Pardew and EU mediator Francois Leotard. NATO played a key part in the resolution of the conflict through Operation Essential Harvest,<sup>8</sup> which disarmed the NLA, and the OSCE Spillover mission in Macedonia assumed a central role in the implementation of the Agreement. The U.S., EU, NATO and OSCE are widely considered to be informal guarantors of the OFA based on their aforementioned roles in resolving the conflict and implementing the OFA.

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The Ohrid Framework Agreement  
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14. (U) The OFA consists of nine main sections and three annexes which outline the terms of the cease fire, new laws to be adopted, required changes to existing laws, benchmarks to be reached for a successful implementation of the Agreement, and a timetable for reaching those benchmarks. The specific areas addressed by each section of the Agreement are: decentralization of the Government, non-discrimination, equitable ethnic representation in public institutions, restructuring of Parliamentary procedures, the use of languages, education, and permissible expressions of identity.

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1A. Decentralization - One of the first tasks mandated by the OFA is a new national census in order to accurately assess the ethnic composition of the population. Using the results of the census the OFA then calls for Macedonia's municipal boundaries to be redefined to rectify ethnic inequities within the municipalities. The Agreement also calls for a legislative framework that delegates more power and financial authority to local governments to ensure individual municipalities have adequate levels of influence over local policy and resources.

1B. Equitable Representation - To address ethnic inequities in the government and public administrations, the Agreement mandates hiring policies that ensure all of Macedonia's public institutions generally reflect the ethnic composition of the population of Macedonia.

1C. Parliamentary Procedures - Under the agreement, laws pertaining to local-self government, culture, use of language, education, personal documentation and the use of symbols are all subject to a Badinter double-majority voting system, which requires a majority of the ethnic minority members of parliament in addition to an overall majority of parliament to vote in favor of a law for the law to be adopted.

1D. Use of Language - The OFA states that in addition to Macedonian, any language spoken by at least 20% of the population is also considered an official language according to terms specified by the agreement. Languages not spoken by 20% of the population at the national level but spoken by at least 20% of the population in any individual municipality are also considered official languages within that municipality.

1E. Education - The Agreement mandates equitable school and university funding, the availability of education in languages spoken by more than 20% of the population, and the application of positive discrimination in state university

enrollment.

¶F. Expressions of Identity - Under the agreement, majority ethnic groups in any municipality are permitted to place emblems representing their cultural identity alongside the emblem of the State. (Note - this was specifically included to allow ethnic Albanian municipalities to fly the Albanian flag in front of municipal buildings, an issue that resulted in violent inter-ethnic clashes four years before the 2001 conflict.)

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Implementation: A Mixed Bag  
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¶5. (SBU) Successive governments have successfully pushed through virtually all the legislation and constitutional amendments called for by the Agreement. However, in the case of the law on the use of languages, the GoM hastily adopted legislation in Parliament in a form that international observers and some within the GoM believe was poorly formulated and more detrimental than positive. In other cases, working closely with the international community, the GoM has drawn up relevant pieces of legislation more meticulously and made efforts to obtain broad political consensus for their approval.

¶6. (SBU) In the year following the signing of the Agreement, the GoM also set up the Secretariat for the Implementation of the Ohrid Framework Agreement, headed by the Deputy Prime Minister for Framework Agreement Implementation. However, since its inception, the Secretariat has been granted little power, left exclusively in the hands of e-Albanian leadership, and the e-Macedonian leadership has shown little sense of responsibility for the Secretariat's success or failure. Some e-Macedonian politicians (especially in the ruling VMRO party) have even suggested that implementation of the Agreement is an exercise solely for the e-Albanians and that by providing them with the Secretariat and a Deputy Prime Minister the Macedonian leadership has fulfilled its end of the bargain, and they are aggravated by calls for their continued involvement in the process.

¶7. (SBU) The weakness of the Secretariat combined with spotty political will has made the successful real-world implementation of the OFA challenging. Some parts of the OFA have been well implemented. Performing a census in 2002 and re-drawing municipal boundaries was done competently and

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within the timelines set forth in the Agreement. The government has largely respected the use of the Badinter voting system in parliament. In the years since the conflict, the display of cultural emblems (primarily Albanian and Turkish flags) in non-ethnic-majority municipalities has been widespread and sparks almost no controversy. However, the implementation of other laws has been sluggish. While appropriate legislation has been passed on government decentralization, municipal governments still have considerable financial constraints imposed on them by the central government, limited power over state-owned land resources, and receive a small percentage of their citizenry's tax revenue compared with the central government.

Additionally, wide disparities along ethnic lines still exist in tax revenue distribution to municipalities. Achieving the Agreement's benchmarks for equitable ethnic minority representation in public administration has also proved challenging. No reliable system for assessing equitable representation statistics currently exists, and where numbers do exist they show positive increases in ethnic minority representation but continue to reflect overall shortfalls compared with the ethnic composition of Macedonia's population. The tendency of the e-Albanian party in power to create artificial jobs within the government under the guise of improving equitable representation and use those jobs to buy party support is an unfortunate byproduct

of equitable representation efforts as well.

18. (SBU) Evaluators of the OFA often refer to its letter versus its spirit when assessing the success of its implementation. This is another oft-criticized area of implementation. While the government has adopted much of the legislation required under the agreement and taken some strides to implement it, the implementation efforts are often half-hearted and scoffed at by the e-Macedonian leadership as unwelcome chores imposed by the international community and by e-Albanian threats of renewed conflict. One example is the Agreement's guidelines on the use of languages. Language legislation has been adopted but it is not widely respected. In many ethnically mixed municipalities the local governments, without flagrantly violating the law, make it bureaucratically impossible for ethnic minority groups comprising more than 20% of the population to carry out business with the local government in their native language, a provision required by the law. (However, a recent OSCE survey found that only 4 percent of respondents had language problems in dealing with their municipal governments.) Additionally, small gestures that would illustrate a commitment to the spirit of the legislation, such as dual-language signage in government buildings, is almost non-existent. In fact, much of the public signage displayed in Skopje's government buildings carry Macedonian with an English translation, neglecting the Albanian language altogether.

19. (U) On August 13 of this year, the 8th Anniversary of the signing of the OFA, the principal officers of the four "guarantors" the OFA (the U.S., EU, NATO and OSCE) presented an assessment of its implementation to date to Prime Minister Gruevski. (REFTEL) The objective of the presentation was to jump start new implementation efforts in areas that have stalled. The Principals cited education, decentralization, equitable ethnic representation, non-discrimination, and use of minority languages as areas for further implementation. In early 2010, the Principals are planning a follow-up meeting with the PM to assess what steps the government has undertaken to remedy these implementation shortfalls since the August assessment.

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General View of the Agreement within Macedonia  
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10. (SBU) In general, senior e-Macedonian government officials understand the International Community's expectations pertaining to OFA implementation, and their public statements reflect that understanding. However, their actions and private assertions about the Agreement often betray those statements. While International Republican Institute polling shows that 52% of Macedonia's population support the OFA and believe its implementation will make Macedonia more stable, many e-Macedonians also believe the OFA represents huge concessions to the e-Albanian community and feel the Agreement is a symbol of the Macedonian security forces, humiliating defeat at the hands of e-Albanian terrorists.<sup>8</sup> Even though much of Macedonia's e-Albanian population has resided within Macedonia's modern borders for

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centuries or more, many e-Macedonians still view them as outsiders. On the other hand, the e-Albanian leadership tends to over-invoke the OFA in their grievances, citing virtually every perceived slight against the e-Albanians as a violation of the Agreement. E-Albanian leaders also have a tendency to view the OFA as a means of furthering only their constituency's interests, overlooking other minority groups in Macedonia. One formally powerful but now struggling e-Albanian political party, DPA, (one of the signatories of the OFA) has recently declared the OFA a complete failure and is calling for a new agreement (which they have already prepared). This campaign has gained almost no traction outside of DPA's inner circle. The international community

has publicly reiterated its support of the OFA and its continued implementation as the only logical way forward. The Embassy endeavors to highlight the OFA as exactly what it is: a framework, to guide citizens of this multi-ethnic state to find strength and stability through diversity, tolerance, and mutual respect.

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